

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. Claims 1-20 were subject to a Restriction/Election Requirement. Claims 17-20 have been cancelled without prejudice and new Claims 21-24 have been added. The Title of the Application and Specification have been amended. No new matter has been added.

A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

Title of the Application

The Title of the Application has been amended to read as follows: METHOD OF FABRICATING AN INTEGRATED CIRCUIT CHANNEL REGION.

The Applicants note that in the Notice of Non-Compliant Amendment dated August 26, 2005, it was indicated that markings for additions and deletions in the Title of the Application must be shown. Accordingly, this Amendment and Reply includes markings to show additions and deletions in the Title of the Application.

Specification

The first paragraph of the Specification under the "Cross Reference to Related Applications" section has been amended to update the Application Serial Number for a related application and to remove the attorney docket numbers for the listed related applications.

Claims – Restriction/Election

On page 2 of the Office Action, the Examiner stated:

This application contains claims directed to the following patentably distinct species of the claimed invention: the species of providing a strained material in an aperture/trench within a compound semiconductor; and the species of forming a strain material in a strain-inducing layer.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim is generic.

The Applicants assume for the purposes of this Amendment and Reply that the Restriction Requirement by the Examiner is between a first group including Claims 1-16 (independent Claim 1 recites “providing a strained semiconductor layer above the compound semiconductor layer and within the trench” and independent Claim 10 recites “providing a strained material within the aperture”) and a second group including Claims 17-20 (independent Claim 17 recites “providing an aperture in the strain inducing layer; forming a strained material in the aperture by selective epitaxial growth”).

Applicants elect Claims 1-16 with traverse and have cancelled Claims 17-20 without prejudice.

Applicants submit that new Claims 21-24 are part of the elected group of claims as being directed to a “method of fabricating an integrated circuit including a fin-based transistor” that includes “providing an aperture in the compound semiconductor layer” and “forming a strained material in the aperture by selective epitaxial growth.”

* * *


The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date 9/9/05

By 

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